

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| -----                    | x |                                  |
|                          | : |                                  |
| UNITED STATES OF AMERICA | : |                                  |
|                          | : | CORRECTED PRELIMINARY            |
| - v. -                   | : | ORDER OF FORFEITURE AS TO        |
|                          | : | <u>CERTAIN SPECIFIC PROPERTY</u> |
| EDWIN MEJIA,             | : |                                  |
|                          | : | 14-CR-577 (PAE)                  |
| Defendant.               | : |                                  |
| -----                    | x |                                  |

WHEREAS, on or about August 27, 2014, EDWIN MEJIA (the “Defendant”) was charged in a two-count Information, 14 Cr. 577 (PAE) (the “Information”), with receipt and conversation of public property and money in violation of Title 18, United States Code, Section 641 and 2 (Count One); and with aggravated identity theft in violation of Title 18, United States Code, Sections 1028A and 2 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived, directly and indirectly, from proceeds traceable to the commission of the offense, including but not limited to the following;

- a. All United States currency, funds or monetary instruments located at Wells Fargo Bank, N.A., credited to the following account numbers and in the following names and amounts: \$1,708.05 credited to account number 627547801 in the name of Edwin Mejia (the “Subject Account”);

WHEREAS, on or about December 1, 2014, the Defendant pled guilty to Count One and Two of the Information and admitted the forfeiture allegation with respect to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant

agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all of his right, title and interest in, *inter alia*, the Subject Account;

WHEREAS, on or about July 23, 2015 this Court entered a Preliminary Order of Forfeiture as to Specific Property/Money Judgment (D.E. 33) (the “Preliminary Order of Forfeiture”), which ordered the forfeiture to the United States all right, title, and interest in the, *inter alia*, the Subject Account and imposed a forfeiture money judgment in the amount of \$442,642.58 (the “Money Judgment”);

WHEREAS, the Preliminary Order of Forfeiture incorrectly described the Subject Account;

WHEREAS, the correct description of the Subject Account is: \$1,650.19 in United States currency credited to account number 627545801 in the name of Edwin Mejia (the “Corrected Subject Account”);

WHEREAS, the Preliminary Order of Forfeiture is to be corrected only as to the Corrected Subject Account, and the Preliminary Order of Forfeiture should in all other respects remain unchanged and fully incorporated herein

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Corrected Subject Account to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that:

1. As a result of the offenses charged in Count Three of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Corrected Subject Account is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. The Preliminary Order of Forfeiture shall, in all other respects, remain unchanged and in full force and effect.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Corrected Preliminary Order of Forfeiture as to Certain Specific Property is final as to the Defendant EDWIN MEJIA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Corrected Preliminary Order of Forfeiture as to Certain Specific Property, the United States Department of Treasury, or its designee, is hereby authorized to take possession of the Corrected Subject Account and to hold such property in its secure custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, [www.forfeiture.gov](http://www.forfeiture.gov). This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Corrected Subject Account must file a Petition within sixty (60) days from the first day of publication of the

Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Corrected Subject Account, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Corrected Subject Account, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Corrected Subject Account, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

7. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Corrected Subject Account pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. Upon entry of a Final Order of Forfeiture with respect to the Corrected Subject Account, the Corrected Subject Account shall be applied towards the satisfaction of the Money Judgment.

9. The Court shall retain jurisdiction to enforce this Corrected Preliminary Order of Forfeiture as to Certain Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:

  
HONORABLE PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE

8/22/2023  
DATE

The Clerk of Court is requested to terminate the motion at Dkt. No. 46.